IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9704 of 2005

Between:

G.R. Krishna E. 107530, Conductor, Maddilapalem Depot S/o Chandraiah R/o Maddilapalem, Visakhapatnam District

..... PETITIONER

AND

1 The APSRTC rep by Regional Manager Visakhapatnam Region at Visakhapatnam
2 The APSRTC repby Depot Manager Waltair, Visakhapatnam
3 The APSRTC rep by Depot Manager Maddilapalem, Visakhapatnam District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the respondents herein in imposing the punishment of deferment of annual increment for a period of 1 year with cumulative effect without holding any departmental enquiry vide proc. No. PA/62(62)/91-Waltair, dt 28-6-1991, as illegal, unjust contrary to well established principles of law and as such liable to be set aside the further directing the respondents to refix the pay of the petitioner by adding the differed increment w.e.f. 28-6-1991, and to pay the arrears forthwith.

Counsel for the Petitioner:MR.S.M.SUBHAN

Counsel for the Respondent Nos.1 to 3: KUM.B.G.UMA DEVI

The Court at the admission stage made the following O R D E R:

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

The petitioner questions the order dated 28.06.1991 imposing punishment of postponement of annual increment for a period of one year, which shall have the effect of postponing the future increments.

The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting any enquiry.

This Court in **S.K.Mastan v. Managing Director, APSRTC**, held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one annual increment without cumulative effect.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment for a period of one year, which shall not have the effect of postponing the future increments. By virtue of this order, petitioner is not entitled for any monetary benefits from the date of punishment till this date. However, he is entitled for increments on notional calculation. No costs.

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(K.C.BHANU,J)

Dt:27th April, 2005

Usd

To

1 The APSRTC rep by Regional Manager Visakhapatnam Region at Visakhapatnam
2 The APSRTC repby Depot Manager Waltair, Visakhapatnam
3 The APSRTC rep by Depot Manager Maddilapalem, Visakhapatnam District

4 Two CD copies.